

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARIA SUAREZ,

Plaintiff,

v.

SOUTHERN GLAZER'S WINE AND SPIRITS OF
NEW YORK, LLC,

Defendant.

Case No. 2:19-cv-07271

DECLARATION OF ANJANETTE CABRERA

I, Anjanette Cabrera, make this declaration under 28 U.S.C. § 1746.

1. I am a partner with the law firm of Constangy, Brooks, Smith, & Prophete, LLP. I am submitting this declaration in support of the motion for summary judgment by Defendant Southern Glazer's Wine and Spirits of New York, LLC ("SGWS"). Since I have represented SGWS from the beginning of this case, I am familiar with its procedural and factual background.

2. Attached are true and correct copies of:

- Employee Handbook (Exhibit 1) (SGWS1001-1083)
- Personnel Action Notice dated October 10, 2007 (Exhibit 2) (SGWS1500)
- Suarez's Performance Evaluations, 2010 – 2014 (Exhibit 3) (SGWS1449-1460, 1465-1468, 1469-1482)
- WMI Administrator Offer History and Letter (Exhibit 4) (SGWS1413-1416)
- WMI Administrator History and Job Description (Exhibit 5) (SGWS895-900)
- September 2016 WMI Administrator Performance Expectations Memo (Exhibit 6) (SGWS2658-2659)

- January 2017 Performance Improvement Plan (Exhibit 7) (SGWS2661-2663)
- 2016 and 2017 Performance Reviews (Exhibit 8) (SGWS2665-2669, 2671-2672)
- January 2017 Written Warning and December 2017 Final Written Warning (Exhibit 9) (SGWS2674-2676, 2678-2679)
- NY RIF List (Exhibit 10) (SGWS1176)
- Termination Letter (Exhibit 11) (SGWS1483)
- WMI Inventory Control Manager History (Exhibit 12) (SGWS891-894)
- SGWS' Responses to Plaintiff's First Set of Interrogatories (Exhibit 13)
- Roy Kohn Deposition Excerpts (Exhibit 14)
- Kevin Randall Deposition Excerpts (Exhibit 15)
- Melissa Johnson Deposition Excerpts (Exhibit 16)
- Tonisha Durant Deposition Excerpts (Exhibit 17)
- Barry Finkelstein Deposition Excerpts (Exhibit 18)
- Suarez's Deposition Excerpts (Exhibit 19)
- August 2016 Email Thread (Exhibit 20) (SGWS1927)
- March 2017 Email (Exhibit 21) (SGWS1974-1975)
- Daily/Weekly Task Report (Exhibit 22) (SGWS1356)
- Payroll Records 2012-2017 (Exhibit 23) (SGWS63, 106, 169, 212, 265, 319)
- Elizabeth Toohig Deposition Excerpts (Exhibit 24)
- Suarez' Deposition Testimony in Sajous Matter (Exhibit 25) (SGWS815-856)
- Suarez' May 2013 Email (Exhibit 26) (PL265-266)
- Dina Wald Margolis Deposition Excerpts (Exhibit 27)

- January 2017 Email (Exhibit 28) (SGWS1983)
- Toohig Emails (Exhibit 29) (SGWS1865-1870, 1877-1879, 1924-1928, 1949, 1952-1953, 1961-1966, 1973-1976, 1978, 1983-1984, 1993-2039, 2063-2064, 2068-2069, 2088, 2255)

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON JANUARY 3, 2023

/s/ Anjanette Cabrera
Anjanette Cabrera